Roneo. H.-27—100,000—23-5-48.

(1948) Department.

SERIES.

G.O. No. 3035

Dated 21.12.1948

[Despatch Abstract.]

LAND AND BUILDINGS : LEASE TO THE GOVERNMENT OF INDIA

RECOVERY OF RENT AND OTHER CHARGES PROCEDURE : PAPERS RECORDED.

No. 17-DC(5)/45.
GOVERNMENT OF INDIA
Defence Department
New Delhi, dated the 28th August 194.

To

All Chief Secretaries.

Sub: RECOVERY OF RENT AND OTHER CHARGES FOR THE OCCUPATION OF Provincial Government land and buildings by the Defence Services.

- - -

Sir,

I am directed to state that the terms upon which Provincial Governments, in assisting the efficient prosecution of the war, have placed their lands and buildings at the disposal of the Government of India vary considerably.

In many cases no charge, or merely nominal charges, are being made and the Government of INDIA are very conscious of this generosity; in other cases the actual loss falling on the Provincial Government is being paid, in others again a fair rent is charged, while in some few cases charges much in excess of the revenue previously received from land and quite unrelated to its annual value as used prior to the Central Government occupation, have been raised by the Provincial Government.

2. The Government of India have given careful consideration to the whole question and to certain proposals received from Provincial Governments and without in any way wishing to distrurb those cases in which no rent or merely nominal rents are being paid so long as the provincial Governments concerned are agreeable to continue such arrangements, is of the opinion that it is highly desirable that some comprehensive formula be agreed to cover all other cases.

3. From inquiries made as to the custom in other countries and theatres of war it has been ascertained that it is the general practice for such lands and buildings to be placed at the disposal of the Government concerned free of charge, but subject to any loss thereby falling on the local Government or body being made good.

Such loss would include -

(a) loss of revenue or cost of any alternative accommodation necessary, as is appropriate.
(b) reasonable expenses of removal and return
(c) re-instatement or compensation for damage done, other than fair wear and tear.

4. The only other possible basis of payment is that the Central Government shall be treated as a normal lessee, in which case the following would be payable -

(a) a fair rent, in the case of buildings expressed as a percentage of the capital cost, say 5%, but excluding any departmental charges; in the case of lands the "market value" rental immediately prior to the Central Government occupation, no regard being paid to any change of user consequent upon the occupation.
(b) the cost of pre-existing local taxation.
(c) reasonable expenses of removal and return
(d) reinstatement or compensation for damage done, other than fair wear and tear.
(e) the cost of any improvements or additions, etc., made by the Central Government, in so far as they are of value to the Provincial Government, to be set off against the total sum payable under (a) to (d) above.

5. In cases where the extent of the damage arising out of the Central Government's occupation, from causes other than fair wear and tear enemey action or act of God, is such that re-instatement is impracticable or would cost a sum exceeding the value of the land etc., at the commencement of the occupation, then the Central Govemn-ment would wish to have the option to purchase at the value at the commencement of the occupation, or or paying a sum not exceeding such value by way of compensation.

6. I am directed to request that Provincial Governments will be good enough to forward their views to the Government of India, and am to express the hope that they will be agreeable to the proposals in paragraphs 3 and 5 above.

** ** *

I am, Sir,
Your most obedient servant

S.R. KAIWAR
Dy. Secretary to the Government of India.

GOVERNMENT OF MADRAS
Revenue Department

Letter No. 2946-EF/45.13.

From

V.S. Hejmadi, Esq., I.C.S.,
Secretary to the Government of Madras,
Revenue Department.

To

The Secretary to the Government of India,
War Department, NEW DELHI.

Dated, Fort St. George, the 15th July 1946.

Sir,

LAND AND BUILDINGS - Lease to Government of India - Recovery of rent and other charges for occupation.
Ref: Letter from the Government of India, Defence Department, No.18-DC(5)/45 dated 28th August 1945.

I am directed to state that subject to the remarks in paragraph 2 below, this Government generally accept the proposals contained in paragraphs 3 and 5 of the Defence Department letter quoted above, on the understanding that the proposals will apply only to leases of lands and/or buildings made to the Defence Department during an emergency like the recent war, and not to leases made in normal times. The acceptance of the proposals so far as they relate to lease of buildings is liable to modification if any is found necessary in the light of the remarks of the Chief Engineer to the Government of Madras (General, Buildings and Defence), which are still awaited. A further communication in the matter will be sent to the Government of India in due course.

2. In this connection, I am to invite a reference to paragraph 5 (b) of the Defence Department letter No. 5201/13/Q-Hgs./3875-Dc/45 dated 12th November 1945, and to state that the position as set out therein does not seem fair in regard to cases in which lands and/or buildings are leased to the Central Government free of rent, and in which liabibility to property tax would not have arisen but for the occupation of the land by the Central Government, e.g. land vesting in local bodies. Under the practice obtaining in this Province, lands occupied by the Central Government are exempted from liability to property tax by issuing a notification under the Madras City Municipalities Act or the Madras District Municipalities Act. Such exemption does not have retrospective effect and property tax has to be paid, where the occupation by the Central Government commenced on a date prior to the date of the notification. In certain cases, where this Government allowed the land to be occupied immediately for Defence purposes without waiting for the issue of the notification, the Defence Department has declined to pay property tax. This Government consider that though there is no legal liability for the Central Government to pay the tax in such cases, it should, in fairness, be paid by them.

Yours obedient servant,
~~P. KRISHNA AIYAR~~ V.S. Hejmadi
for Secretary to Government.

Endorsement No, 2946-F/45.14 dated 15th July 1946.

Copy communicated to the Board of Revenue with reference to its reference No. E.3224/45-11 dated 8th July 1946.

V.S. HEJMADI
Secretary to Government.

To the Board of Revenue.
To the Public Works Department.

'X' from the date of occupation to the date of the notification.

GOVERNMENT OF MADRAS
Revenue Department

Letter No. 2946- EFJ/45-17.

From

V.S. Hejmadi, Esq., I.C.S.,
Secretary to the Government of ~~India~~ Madras.

To

The Secretary to the Government of India,
Defence Department, NEW DELHI.

Dated, Fort St. George, the 21st November 1946.

Sir,

LAND AND BUILDINGS - Lease to the Government of India - Recovery of rent and other charges for occupation.
Ref: Correspondence ending with this Government's Letter No.2946-EF/45.13 dated 15th July 1946 addressed to the Government of India, War Department.

In continuation of paragraph 1 of this Government's letter quoted above, I am directed to state that the rents have already been collected in respect of many of the buildings leased to the Government of India in accordance with the rules of this Government and a lot of complication, labour and correspondence will ensue if the rents are to be revised now in accordance with the proposals in paragraph 3 of the letter No. 17/DC(5)/45 of the Government of India, Defence Department, dated the 28th August 1945. It is also reported that in several cases, figures for expenses of removal and return, loss of revenue and compensation for damage done other than fair wear and tear will not be easily and readily computable. It is therefore suggested that in all cases where the rents have already been accepted by the Military Authorities and recovered by the Public Works Department, may be left unaltered and that in all other cases where the rents have not yet been recovered or where they are in dispute, the procedure suggested by the Government of India in paragraph 3 of their letter No. 17/DC(5)/45 Defence Department, dated 28th August 1945 may be adopted.

I would be glad to know whether the Government of India accept the above proposal.

Your obedient servant,

R.C. JOSHI
for Secretary to the Government.

Copy to the Board of Revenue.
Copy to the Public Works Department.

No. 17-DC(5)/45.
GOVERNMENT OF INDIA
Defence Department.
New Delhi, the 3rd December 1946.

To

The Secretary to the Government of Madras,
Revenue Department, Fort St. George, Madras.

LAND AND BUILDINGS - Lease to the Government of India - Recovery of rent and other charges for occupation.

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Sir,

With reference to your letter No. 2946-EFJ/45.17 dated the 21st November 1946, I am directed to invite the attention of the Provincial Government to War Department Letter No. 17-DC(5)/45 dated the 27th August 1946 (copy enclosed).

I am, Sir,
Your most obedient servant,

E.U. DAMODARAN
Under Secretary to the Government of India.

No. 17-DC(5)/45.
GOVERNMENT OF INDIA
War Department (Army Branch).
New Delhi, dated the 27th August 1946.

To

The Chief Secretary to the Government of Madras.

Subject: RECOVERY of rent and other charges for the occupation of the Provincial Government land and buildings by the Defence Services.

- -

Sir,

I am directed to acknowledge receipt of your letter No. 2946-EF/45-13 dated the 15th July 1946, on the subject of the recovery of rent and other charges for the occupation of Provincial Government lands and buildings by the Defence Services.

2. The replies received to Government of India Defence Department letter No. 17-DC(5)/45 dated the 28th August 1945 express widely divergent views and there seems to be little prospect of establishing a uniform formula acceptable to all Provincial Governments.

3. In view of the time that has since elapsed and as, moreover, the great majority of cases of the type envisaged have already been settled, the Government of India have reached the conclusion that no useful purpose would be served by attempting to devise a standard formula for the purpose of dealing with the small residue of cases still outstanding.

4. The Government of India accordingly suggest that any claims remaining to be presented might be settled on their merits where possible by direct negotiation with the local represnentative of the Lands, Hirings and Disposals Service, and a settlement should be effected, so far as practicable, in accordance with the alternatives for which respective Provincial Governments have expressed a preference in response to Defence Department letter dated 28th August 1945. It is hoped that this suggestion will be acceptable to all Provincial Governments.

5. It is of the utmost importance that all such claims should be finally settled within the current financial year and I am to ask that a comprehensive statement of all outstanding claims may be forwarded to the Director-General, Lands, Hirings and Disposals, General Head Quarters, India, not later than 1st December next in order that progress may be watched and where necessary adjustment expedited.

I am, Sir,
Your most obedient servant,

ISKANDAR MIRZA
Joint Secretary to the Government of India.

GOVERNMENT OF MADRAS
Revenue Department.

Letter No. 2946- EFJ/45 - 26. ९. 6.5.48.

From

V.K. Rao, Esq., I.C.S.,
Deputy Secretary to Government.

To

The Director-General,
Lands Hirings and Disposals Service,

Sir,

Sub: LAND AND BUILDINGS - Lease to the Government of India - Recovery of rent and other charges

Ref: Correspondence resting with letter from the Government of India, late War Department (Army Branch) No. 17-DC(5) 45 dated the 27th August 1946.

With reference to paragraph 5 of the Government of India's letter quoted above, I am directed to forward a statement showing ~~th~~ all outstanding claims against the Government of India in respect of lands and buildings belonging to this Government leased to the Government of India. The amount due to this Government in respect of item 1 (a) in the statement is not known. Information has been called for from the Chief Engineer (General). A further communication will be sent on receipt of reply from the Chief Engineer.

2. The Collectors are being instructed to settle all outstanding claims against Government of India on the lines suggested in their letter quoted above.

Your obedient servant,
V.K. RAO
Deputy Secretary to Government.

STATEMENT SHOWING THE PARTICULARS OF LANDS AND BUILDINGS BELONGING TO THE PROVINCIAL GOVERNMENT BUT OCCUPIED BY THE MILITARY AND FOR WHICH COMPENSATION IS DUE FROM THE CENTRAL GOVERNMENT.

District	Taluk	Town or Village	RS or TS No. and sub-division, etc.	Extent	Classification.	Assessment of rent.	Cesses	Property Tax, if any.	Lease value or lease value rent	Date on which land was placed at the disposal of the Mly.	Total lease value amount	Total amount due from the Mly	Remarks.
-1-	-2-	-3-	-4-	-5-	-6-	-7-	-8-	-9-	-10-	=11=	=12=	=13=	=14=
				Ac. S.Ft									
Vizagpatam	Vizagapatam	Vizagapatam TS	No.113/4	4 38030				92/8		12-12-43	92/8		The cost of damages caused to land covered by TS Nos 113/2,113/4 and 115/3 is reported to be Rs. 1,520. The D.A.D. L.H.&. D.S. Madras Sub Area is being addressed separately to arrange for the payment of the amount.
			" 697	3 26136				76/8		11-12-43	76/8		
			" 1460a	0 37008				14/14		"	14/14		
			" 1461a	0 11205						"			
			" 1462/a	0 49660									
			" 113/2	0 42084				41/10		Novr.42	41/10		
			" 114/2	10 10890				131/4		12-12-43	131/4		
			" 113/2	2 08276				748/2		"	748/2		
			" 115/3	15 18730				85/8		Novr. 42	1023/12		
(b)		Gopalapatnam Old Police Outstation Bldgs.	" 39-1	0 16 cents				1023/12		25-3-42	85/00		
											1023/12		
East Godavari	Cocoanada	Vakalagudi	185	62 94	Assessed waste	@Rs.1/6 per acre		24/10			177/15/10		
			186	48/ 58	Govt.dry								
Bellary	Bellary	Bellary	1) 693-A3	5.14	Assessed waste	Rs.7/12 @ 1/15 per year					7/12		* Interest on items (5) to (10) amounting to Rs.100/14/6 has to be paid. Ground rent, Ml. taxes and land revenue have been claimed in all these cases for 1942-43; 43-44, 44-45 and 45-46
			2) 519/1	9.18	"	62/8 @ Rs.1/8 a year					62/		
			3) 522/84	30.28	"	68 @ Rs.17 a year					68/-		
			4) 519/2	23.96	"	161/12 @ 40/7/ a year					161/12		
			5) 638/1	53.45	"	1336* -4-0		1533-12-0			2870/-		
			6) 520	0.50		10/ @ Rs.2/8 per year					10/		
			7) 639-A1	20.00		70/ @ Rs.17/8 a year					70/		
			8) 639-A3	96.99		339/8/ @ Rs.84/14 a year					339/8		
			9) 639-A1	44.97		67/8 " Rs.16/14 "					67/8		
			10) 519-1	12.30		83/ @ Rs.20/12 a year					83/		
			11) 519-1	0.64		5/8/ @ Rs.1/6 a year					5/8		
								Interest to be paid			100/14/6		

GOVERNMENT OF MADRAS
REVENUE DEPARTMENT.

Letter No. 2946-EFJ/45.34 ~~dated-17th~~ ನ. 17. 12. 48.

To

The Director of Military Lands and Cantonments,
Ministry of Defence, NEW DELHI.

Sir,

Sub: LAND AND BUILDINGS - Lease to the Government of India - Recovery of rent and other charges - Information furnished - Correspondence ending with this Government's letter No. 2946-FJ/46.32-Rev. dated the 16th October 1948 addressed to the Director-General, Lands Hirings and Disposals Service, General Head Quarters, India.

I am directed to invite attention to para 1 of this Government letter No. 2946-EFJ/45.26 Rev. dated the 6th May 1948 addressed to the Director-General of Lands, Hirings and Disposals, G.H.Q., India, and to state that a sum of Rs. 74/6/- being the rent for the occupation of the old Police outstation building at Gopalapatnam, Vizagapatam District by the Defence Department from the 25th March 1942 upto the 30th April 1945 is due from the Government of India. The Collector of Vizagapatam has sent a bill for the amount to the Garrison Engineer, Vizagapatam, for adjustment by transfer to the credit of this Government.

2. I am to add that the Defence Department is still in occupation of the buildings in question and that the Collector of Vizagapatam is taking action for adjustment of the ~~payment~~ rent due to this Government.

Yours faithfully,

Sd/
for Secretary.

To the Board of Revenue, with reference to its L.Dis. E.6427/48 dated the 1st December 1948.
Cppy to the Bollector of Vizagapatam, with reference to his Rc. 14305/40-R5 dated the 24th November 1948.

REVENUE DEPARTMENT.

LAND AND BUILDINGS - Lease to the Government of India - Recovery of rent and other charges - Procedure.

** ** ** **

In August 1945, with a view to have some comprehensive formula regarding the payment of rent and other charges due in respect of lands and buildings occupied by the Defence Department, the Government of India formulated the proposals contained in paras 3 to 5 of their letter on pp 1-2 c.f. and asked for the views of the Provincial Govts. This Govt. generally accepted the principles enunciated in para 3 of the India's letter on p. 1 c.f. subject to the remarks made in their letters on pp 11-12 and p.24 c.f. For the reasons ~~xxx~~ stated in paras 2 and 3 of their letters on p. 26 c.f. the Govt. of India, however, did not attempt to devise any standard formula as originally proposed by them, but suggested that all outstanding claims, which remained unsettled, might be settled on their merits where possible by direct negotiation with the local representatives of the Lands, Hirings and Disposals Service and settlements effected so far as practicable in accordance with the alternatives for which the Provl. Govts. expressed their preference. The Govt. of India also wanted that a comprehensive statement of all outstanding claims should be sent to the Director-General, Lands, Hirings and Disposals Service in order that the progress of adjustments may be watched and expedited.

The Govt. of India's suggestion has already been communicated to the Bd. of Revenue and the Board asked to instruct the Collectors to have all outstanding claims settled by direct negotiation with the local representatives of L,H.&D. Service, as suggested by the Govt. of India - vide Memo No. 2946-EFH/45-25 dated 6.5-1948.

A comprehensive statement showing all outstanding claims, obtained from the Bd. of Rev. was forwarded to the D.G, of L, H & D.S. with the Govt.'s letter No. 2946-EFJ/45.26 Rev. dated 6-5-1948. In that letter the D.G. was informed that information re: the amount due in respect of item 1 (a) of the statement on pp 44 c.f. relating to the occupation of a building in Gopalapatnam in the Vizagapatam district has been called for and it will be furnished on receipt. The Collector of Vizag has now reported that an amount of Rs.74/6/ being the rent upto 30-4-1945 is due in respect of the old Police outstation buildings at Gopalapatnam village, Vizagapatam District and aht he has sent a bill for the payment of the amount to the Garrison Engineer, Vizagapatam, whose reply is still awaited. The D.G, L, H & D.&.S may be informed of the facts, with reference to para 1 of this Govt.'s letter on pp 42-43 c.f. A draft letter is submitted for approval.

After issue of the letter, the papers may be recorded to facilitate future reference.

xx/17.12.48

G.O. (Ms) No. 3035 Rev. dated the 21st December 1948

R e c o r d e d.

/True copy/

R. Nagarajan 24-2-54

Office Assistant,
Madras Record Office, Egmore.

Sk.